DETAILED ACTION

Election/Restrictions

I. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

1. Group I: claims 1-7, drawn to a method of screening for and/or diagnosis of a cardiovascular disorder in a subject.
2. Group II: claims 8 and 9 drawn to an isolated polypeptide.
3. Group IV: claim 10, drawn to an anti-Cardiovascular disorder Plasma Polypeptide antibody that selectively binds to a polypeptide.
4. Group V: claims 11-13, drawn to a method of binding an antibody to Cardiovascular disorder Plasma Polypeptide.
5. Group VI: claim 14, drawn to the use of at least one polypeptide in the preparation of a medicament for the prophylaxis and/or treatment of cardiovascular disorders or in the preparation of a drug-eluting stent (this claim is a non-statutory claim).
6. Group VII: claim 15, drawn to the use of an antibody in the preparation of a medicament for the prophylaxis and/or treatment of cardiovascular disorders or in the preparation of a drug-eluting stent (this claim is a non-statutory claim).
7. Group VIII: claim 16, drawn to a method of identifying a Cardiovascular disorder Plasma Polypeptide modulator.
8. Group IX, claim 17, drawn to an isolated polynucleotide.
9. Group X: claims 18-20, drawn to a method of identifying a modulator of a cardiovascular disorder.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1. The technical feature of Group II is an isolated polypeptide comprising an amino acid sequence from SEQ ID NOs: 1-6. The technical feature of Group 1 is anticipated by Tang et al WO/2002/70539-A2. Tang et al teach an isolated polypeptide comprising an amino acid sequence of SEQ ID NO: 4 (see claim 9 SEQ ID NO: 1250).
2. Group I is the first method of use of the technical feature in Group II, an amino acid sequence from SEQ ID NOs: 1-6.
3. The technical feature of Group III is an isolated polypeptide, the second technical feature.
4. The technical feature of Group IV is an anti-Cardiovascular disorder Plasma Polypeptide antibody that selectively binds to a polypeptide, the third technical feature.
5. Group V is the second method of use of the technical feature in Group III, an isolated polypeptide.
6. Group VI is the third method of use of the technical feature in Group II, an isolated polypeptide comprising an amino acid sequence from SEQ ID NOs: 1-3.
7. Group VII is the fourth method of use of the technical feature, in Group IV, an anti-Cardiovascular disorder Plasma Polypeptide antibody that selectively binds to a polypeptide.
8. Group VIII is the fifth method of use of the technical feature in Group II, an isolated polypeptide comprising an amino acid sequence from SEQ ID NOs: 1-6.
9. The technical feature of Group IX is an isolated polynucleotide, the fourth technical feature.
10. Group X is the sixth method of use of the technical feature in Group II, an isolated polypeptide comprising an amino acid sequence from SEQ ID NO: 3.

Group I lacks unity with Groups II-X, because the technical feature of Group I is anticipated by the art and therefore not "special" within the meaning of PCT Rule 13.2 because it does not provide for a contribution that the claimed invention makes over the art.

II. Nucleotide Sequence Election Requirement to Groups II and VIII

In addition, Groups II and VIII, detailed above, read on patentably distinct sequences. Each sequence is patentably distinct because they are structurally different and a further restriction is applied to each Group.

Applicant must further elect:

For Groups I and VIII, choose the nucleotide sequence from SEQ ID NOs. 1-6.

Applicant is advised that examination will be restricted to only the elected nucleotide sequence and should not be construed as a species election.

III. Nucleotide Sequence Election Requirement to Group VI

In addition, Group VI, detailed above, read on patentably distinct sequences. Each sequence is patentably distinct because they are structurally different and a further restriction is applied to Group VI.

Applicant must further elect:

For Group VI, choose the nucleotide sequence from SEQ ID NOs. 1-3.

Applicant is advised that examination will be restricted to only the elected nucleotide sequence and should not be construed as a species election.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Archie whose telephone number is 571-272-9938. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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